

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MENARD, INC.,

Plaintiff & Counter-defendant,

ORDER

v.

18-cv-844-wmc

DALLAS AIRMOTIVE, INC.,

Defendant & Counter-claimant,

and

TEXTRON AVIATION, INC.,

Defendant.

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Having reviewed the parties' deposition designations, counter-designations and objections to both, the court makes the following rulings as to remaining witnesses. **The parties shall remove all objections and any other asides or discussions between counsel and/or with the court reporter, even where not noted by the court in its rulings.**

**A. 12/12/19 Robert Tait (damages)**

<b>DAI Initial Designation</b>	<b>Menards Objection</b>	<b>Menards Counter-Designation</b>	<b>DAI Objection</b>	<b>Ruling</b>
65:8-68:5	66:8-68:5 Relevance; unreasonable mitigation evidence (objection preserved for record)			Overruled, subject to curative instruction.
68:17-69:22	Hearsay	69:23-70:14	Competence, foundation, speculation. Misleads jury	Overruled as to both.

DAI Initial Designation	Menards Objection	Menards Counter-Designation	DAI Objection	Ruling
			to believe that engines were not capable of repair to air-worthy status.	
72:4-74:20	Hearsay			Overruled.
81:8-81:22	Undisclosed expert opinion testimony			Sustained.
87:21-88:11	Undisclosed expert opinion testimony			Sustained.
89:12-91:14	89:12-90:16 Hearsay; undisclosed expert opinion testimony			Overruled.
101:20-104:10	Hearsay			Overruled as to hearsay; Reserved as to relevance.

**B. 8/4/20 Robert Tait (damages)**

DAI Initial Designation	Menards Objection	Menards Counter-Designation	DAI Objection	Ruling
14:19-15:2, 6-19	Hearsay; witness is testifying that his emails do <i>not</i> satisfy the business records exception			Overruled as to hearsay; Reserved as to relevance
16:6-14	Improper attempts to admit hearsay exhibits			Overruled as to hearsay; Reserved as to relevance.
25:13-26:6, 8-19; 27:8-10; 28:19-23; 28:24—29:15;	25:13-25:14 Improper attempts to admit hearsay exhibits 29:6-31:15 Improper attempts to admit hearsay			Overruled as to 25:13-18, 26:15-19, 28:17-22. Reserved as to 29:3-25, 30:1-9,

DAI Initial Designation	Menards Objection	Menards Counter-Designation	DAI Objection	Ruling
29:16-30:3,6-21; 30:22-31:9, 12-15;	exhibits 32:3-34:6 Improper attempts to admit hearsay exhibits 35:13-35:18 Improper attempts to admit hearsay exhibits			30:22-23, 31:4-9, 31:15. Sustain as to all other designations.
32:3-33:11				Reserve as to 32:3-4, 32:10-23. Sustain as to remainder.
33:12-25; 34:2-6; 35:13-22; 35:25-36:25; 36:6-38:5; 38:6-39:9,11; 39:13-40:19, 21.				Reserve as to relevance of all of these designations.
52:2-6, 8, 13-19, 21-22	Improper attempts to admit hearsay exhibits			Overruled as to hearsay; Reserved as to relevance.
53:25-54:5, 9-11	Improper attempts to admit hearsay exhibits			Overruled as to hearsay; Reserved as to relevance.

### C. Michael Tidey 30(b)(6) (damages)

DAI Initial Designation	Menards Objection	Menards Counter-Designation	DAI Objection	Ruling
18:8-19:13	Outside the scope of Mr. Tidey's designated 30(b)(6) topics			Overruled.

DAI Initial Designation	Menards Objection	Menards Counter-Designation	DAI Objection	Ruling
49:25-51:14	49:25-50:3 Outside the scope of Mr. Tidey's designated 30(b)(6) topics			Overruled.
51:20-56:4	56:3-56:4 Hearsay	51:15-51:19		Overuled
56:6-56:9	Hearsay			Overruled.
59:1-59:16		59:17-60:1	Counter-designation topic of repairs does not relate to DAI designation re sale price; speculation	Overruled.
67:6-68:6	68:3-68:6 Improper colloquy			Sustained.

**D. Preston Hillman 30(b)(6) (damages)**

DAI Initial Designation	Menards Objection	Menards Counter-Designation	DAI Objection	Ruling
107:16-107:21	Outside the scope of Mr. Hillman's designated 30(b)(6) topics			Overruled.
108:1-108:5	Outside the scope of Mr. Hillman's designated 30(b)(6) topics			Sustained.

Entered this 1st day of September, 2021.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge